

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 17 AUG 2005

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Applicant's or agent's file reference DH/12-2980WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. CT/NZ2004/000187	International filing date (day/month/year) 16 August 2004	Priority date (day/month/year) 15 August 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. <sup>7</sup> B65H 75/24, B62B 1/22		
Applicant HUTCHINSON, Vaughan John		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 9 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
- a. ☐ (sent to the applicant and to the International Bureau) a total of sheets, as follows:
- ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
  - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I    | Basis of the report   |
| <input type="checkbox"/> Box No. II              | Priority  |
| <input checked="" type="checkbox"/> Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input checked="" type="checkbox"/> Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> Box No. VI   | Certain documents cited   |
| <input type="checkbox"/> Box No. VII             | Certain defects in the international application  |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application   |

Date of submission of the demand 31 March 2005	Date of completion of the report 5 August 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  COLIN FITZGIBBON Telephone No. (02) 6283 2226

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000187

## x No. I Basis of the report

With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1 (b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

☐ the claims:

pages as originally filed/furnished

pages\* as amended (together with any statement) under Article 19

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

☐ the drawings:

pages as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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## Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos: 35

because:

☐ the said international application, or the said claims Nos.

relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos.  
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos.  
are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 35

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form ☐ has not been furnished

☐ does not comply with the standard

the computer readable form ☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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x No. IV Lack of unity of invention

☐ In response to the invitation to restrict or pay additional fees the applicant has:

☐ restricted the claims.

☐ paid additional fees.

☐ paid additional fees under protest.

☐ neither restricted nor paid additional fees.

☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

☐ complied with.

☒ not complied with for the following reasons:

See separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

☐ all parts.

☒ the parts relating to claims Nos. 1 to 34 and 36

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000187

x No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## Statement

Novelty (N)	Claims 12 to 16, 21, 22, 25 to 34, 36	YES
	Claims 1 to 11, 17 to 20, 23, 24	NO
Inventive step (IS)	Claims 12 to 16, 21, 22, 25 to 34, 36	YES
	Claims 1 to 11, 17 to 20, 23, 24	NO
Industrial applicability (IA)	Claims 1 to 34, 36	YES
	Claims	NO

## Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

- D1 US 6135381 A (Teson)
- D2 US 4779815 A (Moore et al)
- D3 DE 2816266 A (Rhen Beteiligungs- und Finanzierungs AG)

Novelty (N) Claims 1 to 11, 17 to 20, 23, 24

### Claim 1

The invention defined in Claim 1 is not considered to be novel in light of all the above citations. For example, D1 discloses a storage device (Figure 1) including a body (1), the body (1) including at least one substantially elongate backbone (2) and at least one substantially elongate tine (3) interconnected thereto but separated there from by a defined distance to form a channel (4) adapted to receive the article positioned therein (Figure 1), and further including supporting means (14) attachable to the body. The invention as defined is therefore not considered to be novel.

### Claim 2

The additional feature of Claim 2, i.e. the latching device capable of co-operating with either the backbone or tine, is considered to be disclosed by the diverging end segments 34 of entrance edges 32 of D2.

### Claims 3 and 4

The explicit disclosure of the article for storage being an electrical lead in all three citations, is considered to disclose the articles as defined in Claim 3 and the device being configured to store carry and use the article as defined in Claim 4. These claims are therefore not considered to be novel.

### Claims 5 and 6

The gap between entrance edges 32 of D2 is considered to disclose the opening for a free top distal end as defined in Claim 5, and the base 16 discloses the bottom distal end interconnected between the backbone and the tine as defined in Claim 6. Neither of these claims is considered to be novel.

### Claims 7 and 8

At Column 1, lines 53 to 61 of D2, the width of the channel formed between the backbone and the tine is defined by the diameter of at least one article to be stored, as defined in Claim 7. The width is defined as "less than twice the diameter of the article to be stored" (lines 53 to 54), which enables only one width of the article to be fed down the channel at any one time, as defined in Claim 8.

Cont'd

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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## x No. VI Certain documents cited

### Certain published documents (Rule 70.10)

Application No.

Patent No.

AU 2002301862

Publication date

(day/month/year)

19 February 2004

Filing date

(day/month/year)

6 November 2002

Priority date ( valid claim)

(day/month/year)

30 July 2002

his citation discloses the invention defined in Claims 1, 3 to 11 and 17. For example, the citation discloses a storage device (1) including a body (5), the body including at least one substantially elongate backbone (10) and at least one substantially elongate tine (10) interconnected thereto but separated there from by a defined distance to form a channel (40) adapted to receive the article positioned therein (Figure 1), and further including supporting means (7) attachable to the body.

### 2.. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure

(day/month/year)

Date of written disclosure  
referring to non-written disclosure

(day/month/year)

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

**PCT/NZ2004/000187****x No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 35 is not fairly based on what is described in the specification because there is no disclosure in the description of the method of manufacture of the storage device. The description is wholly silent on this process.
2. Claim 35 is not clear because, although it purports to define a "method of manufacturing a storage device", the claim does not define any steps in the method, merely defining the features of the storage device.
3. Claim 23 is not clear because it is appended to both Claims 16 and 17 simultaneously. A similar situation occurs with Claim 28, which is appended to "Claims 19 and 27".

## Supplemental Box

case the space in any of the preceding boxes is not sufficient.

Continuation of: **IV Lack of Unity of Invention**

The International Preliminary Report on Patentability (Chapter II) has been drawn up in respect of the entire international application but the International Preliminary Examining Authority is of the opinion that the application does not appear to comply with the requirements of unity of invention as set forth in the PCT regulations (Article 34(3), Rule 68(1) PCT).

The separate groups of invention are:

1. Claims 1 to 34 are directed to a storage device including a body, the body including at least one substantially elongate backbone and at least one substantially elongate tine interconnected thereto but separated therefrom by a defined distance to form a channel adapted to receive the article positioned therein, and further including supporting means attachable to the body. It is considered that the elongate tine interconnected to the backbone but separated therefrom by a defined distance to form a channel adapted to receive the article positioned therein comprises a first "special technical feature".
2. Claim 36 is directed to a method of varying the article storage capacity of a storage device, the storage device including a body, the body including a substantially elongate backbone and multiple substantially elongate tines interconnected to the backbone, but each tine separated from the backbone by a defined distance to each other to form a channel adapted to receive the article positioned therein, each tine also being separated from each other by a defined distance and further including supporting means attachable to the body. It is considered that the elongate tine also being separated from each other by a defined distance comprises a second "special technical feature".

These groups are not so linked as to form a single general inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking together these groups of claims is a storage device including a body, the body including at least one substantially elongate backbone and at least one substantially elongate tine interconnected thereto but separated therefrom by a defined distance to form a channel adapted to receive the article positioned therein, and further including supporting means attachable to the body. However this concept is not novel in the light of US 6135381 A (Teson), US 4779815 A (Moore et al) and DE 2816266 (Rhen Beteiligungs- und Finanzierungs AG). Therefore these claims lack unity a posteriori.



## Supplemental Box

case the space in any of the preceding boxes is not sufficient.

Continuation of: **V Reasoned Statement**

Novelty (N) cont'd

Claims 9 to 11

Claim 2 explicitly discloses the article being a lead (60), Figures 3 and 4 showing subsequent looping of the lead enabling further widths being fed such that the section of lead sits substantially atop a previous looped section as defined in Claim 9, the width of the channel (22) being substantially uniform as defined in Claim 10 and substantially U-shaped, as defined in Claim 11.

Claims 17 and 18

The supporting means including at least one of a handle, a bracket or a frame, as defined in Claim 17, is disclosed by support 14 in D1 and bracket 58 in D3. Both these citations also disclose the storage device hanging during storage as defined in Claim 18. These claims are therefore not considered to be novel.

Claim 19, 20, 23 and 24

Opening 13 in conjunction with support 14 of D1 allows the support means to pivot as defined in Claims 19 and 23, through an arc of up to 360° as defined in Claims 20 and 24. These claims are not considered to be novel.

Claim 36

The invention defined in Claim 36 is considered to be novel, none of the above citations disclosing the use of multiple substantially elongate tines interconnected to the backbone, each tine also being separated from each other by a defined distance. Each of the citations merely discloses a single tine, and there is no teaching towards multiple tines. The invention defined in Claim 36 is therefore considered to be novel.

Inventive Step (IS) Claims 1 to 11, 17 to 20, 23, 24

Claims 1 to 11, 17 to 20, 23, 24

As above